

between the lessees and State, growing out of the termination of the lease of said penitentiary; and to provide for the management and control of said penitentiary and convicts after the termination of said lease; and to make necessary appropriations therefor."

Read by caption and referred to Committee on State Penitentiaries."

Senator Ford, by leave, introduced a bill entitled: "An Act to regulate the business of insurance."

Read by caption and referred to Judiciary Committee No. 2.

Senator Brady by leave, offered the following resolution:

Resolved, That the Judiciary Committee of the Senate be and is hereby instructed to report to the Senate as soon as practicable, whether or not the Legislature possesses the power under the Constitution to pass a special law incorporating our institutions of learning.

Adopted, and referred to Judiciary Committee No. 2.

Senator Storey, by leave, presented the petition of many citizens of McCulloch county, "requesting that the Legislature provide for the holding of a term of the District Court immediately in their county; that the Clerk of San Saba county be required to certify to the Clerk of said county all causes that are within the jurisdiction of their county, and they also request the election of a District Attorney for their Judicial District."

Referred to Judiciary Committee No. 1.

The rules were suspended, and House Bill No. 8, "An Act to regulate the opening, classifying and working of public roads in the State," was taken up, with the report of the Committee on Roads, Bridges and Ferries, recommending that Senate Bill No. 84, "An Act to authorize the County Court to provide for and regulate the construction and repairing of county roads, and fixing the penalties therefor," as a substitute for said bill.

The report of committee adopted and said bill substituted.

On motion of Senator Ford, the Senate adjourned until 9 o'clock tomorrow morning.

FORTY-EIGHTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, June 13, 1876. }

Senate met pursuant to adjournment. Roll called. Quorum present. Prayer by the Rev. Mr. Baird, of Paris, Lamar county, Texas.

Journal of yesterday adopted.

Senator Stephens, Chairman of the Committee on Federal Relations, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 169, "Instructing our Senators, and requesting our Representatives in Congress, to ask for protection for the frontier, and for compensation for past expenditures by the State in that behalf," have had the same under consideration, and instruct me to report the same back, and ask the passage of the substitute herewith submitted.

STEPHENS, *Chairman.* †

Senator Storey, from Judiciary Committee No. 1, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred House Bills Nos. 121 and 122, entitled, "An Act to amend Section 41, and to repeal Section 42 of an act entitled, 'An Act to amend an act to establish a code of criminal procedure for the State of Texas,' approved August 26, 1856, approved February 15, 1858; and to repeal Section 960 of an act entitled, 'An Act supplementary to and amendatory of an act to establish a code of criminal procedure for the State of Texas,'" approved November 14, 1864, have had the same under consideration, and instruct me to report the bill back to the Senate with the following amendment, and recommend its passage as amended:

In Section 1, line 27, strike out the words, "one dollar and fifty cents," and insert, "a sum to be allowed by the County Commissioners' Court, not to exceed two dollars and fifty cents."

STOREY, *Chairman, pro tem.*

Hon. R. B. Hubbard, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate Bill No. 251, entitled, "An Act concerning the record of judgments and other liens upon real estate," have had the same under consideration, and instruct me to report the bill back to the Senate and recommend its passage.

STOREY, *Chairman pro tem.*

Hon. R. B. Hubbard, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate Bill No. 189, entitled, "An Act to regulate the respective duties of the District Attorney for the Criminal District Court of the counties of Galveston and Harris, and the County Attorney of Harris county," have had the same under consideration, and instruct me to report the bill back to the Senate with the recommendation that it do not pass, as the sense of the bill will be better reached in a general law.

STOREY, *Chairman pro tem.*

Hon. R. B. Hubbard, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate Bill No. 246, entitled, "An Act to amend Article 717 of an act to adopt and establish a penal code for the State of Texas," approved August 28, 1856, have had the same under consideration, and instruct me to report the bill back to the Senate and recommend its passage.

STOREY, *Chairman pro tem.*

Hon. R. B. Hubbard, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate Bill No. 240, entitled, "An Act to regulate attachments, and to fix the venue in certain attachment cases," have had the same under consideration, and instruct me to report the bill back to the Senate and recommend that it do pass.

STOREY, *Chairman pro tem.*

Senator Piner, from the Committee of Conference appointed on the part of the Senate, on amendment No. 5 to Senate Bill No. 2, "To establish the County Courts," etc., submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Conference Committee, appointed on behalf of the Senate to

consider the House amendment No. 5 to Senate Bill No. 2, "To establish the County Courts and define their powers and jurisdiction," in conjunction with the House committee appointed to confer concerning said amendment, would beg leave respectively to report that both committees decline to recede from the action of their respective houses; wherefore, they ask that a committee of free conference be appointed to adjust the difference between the two houses. PINER, *for Senate Committee.*

Report of the committee adopted.

The President appointed on said Committee of Free Conference, Senators Piner, Hobby and Terrell.

Senator Carroll, from the special committee appointed to visit the Agricultural and Mechanical College at Bryan, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

The Committee appointed for that purpose by the Senate resolution adopted May 19, 1876, have visited the premises of the Agricultural and Mechanical College of Texas, and have carefully examined the buildings, grounds and plans thereof, and ask leave to make the following report:

The land owned by the Agricultural and Mechanical College of Texas, embracing about 2700 acres, is situated in Brazos county, about four miles south of the city of Bryan, and lies on both sides of the Houston and Texas Central Railroad. The character of the soil may be termed "light loam," and is adapted to agricultural purposes. There is a fair proportion of timber on the land, suitable for fuel. The number of acres of timbered land was not accurately ascertained. It has never, in the knowledge of the committee, been surveyed; water is said to be bountiful within a few feet of the surface; wells have to be sunk only about fifteen feet; these wells are said to be never-failing.

One large tank has been built on the premises. The cost of this tank must have been a mere trifle, and the ease and cheapness with which others may be constructed, if necessary, impressed your committee with the idea that a bountiful supply of water for all useful purposes can be easily obtained.

The location of the college is eminently judicious and desirable. The buildings are situated east of and fronting the Houston and Texas Central Railroad, on a high and rolling prairie, gradually sloping away on every side from the main college building. The appearance of the grounds and buildings, viewed from passing trains on the Houston and Texas Central Railway, is indeed picturesque and lovely, and is worthy of the object designed in the founding of this institution.

We attach to and make a part of this report a carefully prepared plan of specifications, showing style and capacity of all the buildings now on the premises. To this part of the report we invite special attention.

At least three hundred and fifty students can be accommodated comfortably. It will be necessary to erect one more building for the president or professor, who has a family. The cost of the building should not exceed seven thousand dollars.

The committee recommend that a sum of not more than five thousand dollars be appropriated for the purpose of fencing, laying off, beautifying and adorning the grounds. This amount is intended to cover trees, shrubbery, etc., which should be set out as soon as practicable.

For furnishing steward's hall, building stables, providing seats, desks farming implements, teams and apparatus, the committee recommend an appropriation to be made of not more than fifteen thousand dollars. There is on the premises a farm house that can be used as a residence for some of the faculty. This building will have to be repaired and placed in a habitable condition; for this purpose an appropriation of not more than two thousand dollars is recommended.

Workshops and necessary machinery should be connected with the institution, so as to fully carry out the idea intended in its foundation, which is that the institution shall be a "mechanical," as well as an "agricultural," college. To effect this, an appropriation not exceeding eleven thousand dollars is necessary. It is suggested that so much of this amount as may be necessary be applied to the purchase of a steam engine.

The workmanship on the buildings, in the opinion of the committee, has been skillfully done; good and substantial material has been used. The buildings present an imposing style of architectural elegance and taste, which does credit to the designer, and is worthy of the great cause of education and human improvement. While the committee approve the workmanship and the material, and most cheerfully bear testimony to the magnificent general appearance of the buildings—style, elegance and good taste all combined—it is the duty of the committee to say, that for the purpose of an agricultural and mechanical college, a different arrangement of some of the apartments would have been better. This is but an opinion of the committee, to which expression is given in no unkind or unfriendly spirit. Taken altogether, the buildings are of a better class than the committee expected to find.

It was also made the duty of the committee to suggest such legislation, if any, as was necessary to put this institution in successful operation. Much thought and some degree of investigation has been bestowed upon this part of the subject. In the opinion of the committee, this institution should be organized and put in operation as soon as possible; it will supply a want which has been long felt in our State. A practical education in general science will then be within the reach of many who have heretofore been deprived of it.

The committee recommend that all matters relating to the standard of scholarship and the course of study to be pursued in each department be left with the directory of the institution. The committee recommend that the number of students to be taught at this institution, free of charge for tuition, should be regulated by law; the manner in which this number of students shall be apportioned to our population should also be regulated by law. The committee have no preference for one plan or method of selecting the students, but believe it will be conducive to the interests of the college that some method should be made fixed and certain by the Legislature.

The committee are of the opinion that the college should be open to both sexes. The endowment was intended for all. As is well known, this endowment results from the sale of one hundred and eighty thousand acres of land scrip, donated to this State by the United States, by acts of Congress, dated July 2, 1862, and July 22, 1863, in relation to the establishment of Agricultural and Mechanical Colleges. This land scrip was sold in 1871 for the sum of one hundred and fifty-six thousand dollars. This amount was invested in the seven per cent. gold

frontier defense bonds of this State, issued under the act of August 5, 1870. The amount of bonds purchased is one hundred and seventy-four thousand dollars. They run twenty years. The amount of accrued interest on these bonds is about forty-eight thousand dollars. This accrued interest should be invested in some safe manner, so that the college would have the benefit of the interest on the accrued interest. The interest on the endowment and the interest on the accrued interest will make the sum of about \$14,000, which will be annually available for the purposes of the institution, as regulated by the statute of Congress. The statute of Congress, before referred to, the committee are of opinion, extends the benefits of this endowment to all, without regard to sex or race.

The committee recommend that out of any available fund a sufficient amount be appropriated to provide for the colored youth of the country. The committee suggest that in some suitable locality a sufficient quantity of land be purchased, and necessary buildings be erected thereon, at an early day, so that these colored youths can at once begin to enjoy the advantages and blessings of an agricultural and mechanical college. The statute of Congress authorizes one or more agricultural and mechanical colleges, and in the opinion of the committee, both schools can be controlled by the same directory, and the experience of the one can be for the advantage of the other. This appears to the committee to be an equitable, just and legal solution of what seemed at first an insuperable difficulty in the way of a speedy organization of this institution. If the appropriations herein recommended are made, it is believed that by the first day of September next, the Agricultural and Mechanical College of Texas will be open for the reception of students, an event long looked for; it will be a source of congratulation to the whole State, and especially to that part of our people to whom this institution will offer facilities for intellectual development and improvement hitherto not enjoyed by them. As upon this class rest many of the burdens of government, it is meet and proper that every effort should be made to prepare them for their responsibility.

CARROLL, *Chairman*.

Report referred to Committee on Finance and Education.

SUPPLEMENTAL TABLE, SHOWING THE PLAN, SIZE OF ROOMS, STYLE, ETC., OF THE AGRICULTURAL AND MECHANICAL COLLEGE BUILDINGS, NEAR BRYAN, TEXAS.

Rooms in first story as follows:

One entrance hall.....	14 1-2x30
One janitor's room.....	16 1-2x16 1-2
One work shop.....	21x45
One horticultural room.....	21x24
One main hall.....	12x154 1-2
One dining room.....	21x52
One pantry.....	8x21
One hall.....	12x21
One recitation room.....	16 1-2x16 1-2
One store room.....	21x17 1-2
One preparatory school room.....	21x52
One kitchen.....	16x21

One store room.....	10x12
One pantry.....	8x10
One bed room.....	14x21
One bed room.....	18x21
Opening for stairs and colonade.....	21x30

Rooms in second story as follows:

One reception room.....	14x30
One recitation room.....	16 1-2x16 1-2
One office.....	16 1-2x16 1-2
One school room.....	21x52
One store room.....	21x17 1-2
One hall.....	12x22
One museum.....	21x45
One library.....	21x24
One main hall.....	12x154 1-2
One school room.....	21x61
One bed room.....	16x21
One bath room.....	10x21
One bed room.....	14x21
One parlor.....	18 1-2x21
Openings for stairs and colonade.....	21x30

Rooms in third story as follows:

One room.....	14x30
One room.....	16 1-2x16 1-2
One room.....	16 1-2x16 1-2
One room.....	21x52
One room.....	21x17 1-2
One hall.....	12x22
One room.....	21x45
One room.....	21x24
One room.....	21x61
One main hall.....	12x154
One room.....	16x21
One room.....	10x21
One room.....	14x21
One room.....	18x21
Opening for stairs.....	21x30

Rooms in fourth story as follows:

One assembly room.....	28x30
One room.....	14x30
" ".....	21x17 1-2
" ".....	16 1-2x16 1-2
" ".....	21x52
" ".....	16x21
" ".....	10x21
" ".....	14x21
" ".....	18 1-2x21
One hall.....	12x21
One main hall.....	12x124
Opening for stairs and colonade.....	21x30

The size and number of rooms in the first story of the Steward's hall are as follows:

Two parlors.....	18x18
One hall.....	8x37 4 in.
One hall.....	10x37 4 in.
One dining room.....	37 4 in.x60
One store room.....	16x21 8 in.
One servant's hall.....	12x15 2 in.
Kitchen.....	18x30
Pantry.....	6x7 6 in.
One hall in kitchen part.....	6x22

Rooms in second story as follows:

Two chambers.....	17x18 4 in.
One chamber.....	8 4 in.x12 6 in.
One hall.....	8 4 in.x25
One student room.....	10 4 in.x15 6 in.
Two student rooms.....	14 9 in.x15 6 in.
Four student rooms.....	14 6 in.x15 6 in.
Two student rooms.....	15 3 in.x15 6 in.
One student room.....	12 4 in.x15 6 in.
One student room.....	15 6 in.x17

There is a hall 6 feet wide running through centre of second and third stories the whole length of dormitory building. The arrangement and size of rooms in the third story is the same as in second story.

Senator J. R. Henry introduced a bill entitled: "An Act to authorize the non-residents of counties to pay taxes to the Comptroller of Public Accounts."

Read by caption and referred to Committee on Finance.

Senator Stephens offered the following resolution:

Resolved, That the Chairman of Committee on Engrossed Bills be authorized to procure such assistance as will be absolutely necessary to carry on and keep up the engrossing department during the remainder of the session.

Adopted.

The following House Bills were taken up and referred by the President to appropriate committees:

House Bill No. 72—"An Act to amend an act entitled, 'An Act to provide for and regulate mechanics', contractors', builders', and other liens in the State of Texas,'" approved November 17, 1871.

Referred to Judiciary Committee No. 1.

House Bill No. 85—"An Act to amend Article 702 of the code of criminal procedure in relation to bail bonds."

Referred to Judiciary Committee No. 2.

Senator Edwards offered the following resolution:

Resolved, That the Committee on State Affairs be instructed to inquire into what legislation, if any, is necessary and proper to protect the timber upon the school and university lands belonging to the State.

Adopted.

Senator Ball moved a suspension of the rules to take up Senate Bill No. 94, "An Act to provide a means for supplying lost records."

Lost.

A message was received from the House, announcing that it has received and adopted the report of the Committee of Conference on the disagreement between the two Houses on House amendment No. 5, to Senate Bill No. 2, "To organize the County Courts, and to define their powers and jurisdiction," and, as requested in said report, have appointed a Committee of Free Conference, composed of Representatives Campbell, Martin and Chesley.

Senate Bill No. 84, "An Act authorizing the County Courts to provide for and regulate the construction and repairing of county roads and fixing the penalties therefor," was taken up and read second time.

Senator Stephens in the chair.

On motion of Senator Thompson, Sections 24 and 25 were transposed. The President in the chair.

Senator McCormick moved to strike out Section 29.

Lost.

Senator Thompson offered the following amendment:

In Section 15, line 13, after the word, "overseer," insert, "under oath."

Adopted.

Senator Smith offered the following amendment:

Amend Section 15 by striking out all after the word, "liable," in line 15.

Adopted.

Senator Storey offered the following amendment:

Amend Section 6 by inserting between lines 2 and 3 the words, "except as hereinafter provided."

Adopted.

Senator Piner offered the following amendment as a substitute for Section 15:

"SEC. 15. If any person so summoned shall fail to attend or send a suitable substitute to work in his place, or when attending for himself or as a substitute for another, shall fail or refuse to perform his duties as required, such person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than one dollar nor more than ten dollars, exclusive of costs: *provided*, that prosecutions under this act shall be dismissed upon the payment by the party so offending of the sum of two dollars per day, and all costs for each day he may have failed in the performance of the duty required of him by this act: *provided, further*, that all reasonable excuses be heard and allowed: *and provided, further*, that a list of the defaulting road-workers furnished by the overseer, shall be a sufficient showing to authorize the Justice of the Peace to issue writs against the parties liable; upon the return or trial day of which, whether the defaulter was summoned verbally or by writing to work on the road, and if by writing, the testimony of the person leaving the notice shall be necessary, upon which judgment shall be had; but in no event shall the overseer be liable for costs, nor shall he be required to give bond in case he should wish to take an appeal to the District Court."

Adopted.

Senator Hobby offered the following amendment to Section 36:

"That 'An Act to authorize County Courts to levy a road tax and to improve roads and bridges,' approved August 4, 1870, and all other laws in conflict with this act be and the same are hereby repealed."

Adopted.

Senator Ball offered the following amendment :

Amend Section 12, line 8, by inserting after the word, "duties," the words, "and citizens of an incorporated city or town."

Senator Edwards offered the following amendment to Senator Ball's amendment :

Add to Senator Ball's amendment, "of more than one thousand inhabitants."

Lost by the following vote :

YEAS—Senators Edwards, McCormick, McCulloch—3.

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Carroll, Francis, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, McLeary, Moore, Motley, Piner, Ripetoe, Smith, Storey, Terrell, Thompson, Wortham—24.

NOT VOTING—Senators Ford, Stephens—2.

Senator Ball withdrew his amendment.

Senator Brady offered the following amendment to Section 37 :

"That where any part of the corporate limits of any city or town is not laid out in blocks or lots, with streets open to the public, the County Commissioners' Court shall have concurrent jurisdiction with the authorities of said city or town for all purposes in regard to public roads, as authorized in this act."

Senator McLeary offered the following amendment to Senator Brady's amendment :

"*Provided*, that no citizen of an incorporated city of over one thousand inhabitants, which has provided by ordinance for the repair of the roads within its limits shall be required to work on the roads beyond the limits of such city."

Lost.

Senator Brady's amendment lost.

Senator Francis offered the following amendment :

Amend Section 13, line 6, by striking out all after the word, "work," down to, "than," in line 7, and insert, "on roads more."

Lost.

Senator Ripetoe offered the following amendment :

Amend Section 12 by striking out, "sixteen," and inserting "eighteen."

Adopted.

Senator Edwards offered the following amendment :

Amend Section 12, line 2, by striking out, "fifty," and insert the word, "fifty-five."

Lost.

Senator F. M. Henry offered the following amendment :

Amend Section 25, by striking out after the word, "of," in line 4, down to the word, "he," in line 5, and insert, "one dollar per day."

Senator Smith moved to lay Senator Henry's amendment on the table.

YEAS—Senators Guy, McCulloch, Motley, Piner, Smith, Storey, Thompson—7.

NAYS—Senators Ball, Blassingame, Brady, Brown, Burton, Carroll, Edwards, Francis, Ford, Grace, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, McLeary, McCormick, Moore, Ripetoe, Terrell, Wortham—21.

NOT VOTING—Senator Stephens—1.

Senator Terrell moved the previous question on the pending amendment of Senator Henry.

Motion seconded and the main question ordered.

Senator Henry's amendment was lost by the following vote:

YEAS—Senators Ball, Brown, Carroll, Edwards, Francis, Grace, Henry J. R., Henry F. M., Ledbetter, McCormick, McLeary, Moore, Ripe-toe, Wortham—14.

NAYS—Senators Blassingame, Brady, Burton, Ford, Guy, Hobby, Martin, McCulloch, Motley, Piner, Smith, Storey, Terrell, Thompson, Mr. President—15.

NOT VOTING—Senator Stephens—1.

Senator McLeary offered the following amendment as a substitute for Section 12:

"SEC. 12. All male persons over the age of eighteen and under the age of forty-five shall be liable, and it is hereby made their duty to work on, repair and clean out the public roads of this State under such provisions and regulations as are made in this act: *provided*, that all civil officers, licensed ministers of the Gospel, practicing physicians and citizens of incorporated cities and towns of over one thousand inhabitants, which keep the roads within their corporate limits in good repair, shall be exempted from road duty.

Lost.

Senator Burton offered the following amendment:

Amend Section 2, line 14, by striking out the words, "thirty days," and inserting, "six months."

Senator J. R. Henry moved the previous question on the bill.

Lost.

Senator Francis offered the following amendment to Senator Burton's amendment:

Strike out, "six months," and insert, "ten days."

Lost.

Senator Burton's amendment lost.

Senator Piner offered the following amendments:

Amend by adding the following sections, viz:

"SEC. —. And for the further and better providing for public roads in this State, any lines between different persons or owners of land, may, upon the condition herein provided for, be declared public highways; and left open and free from any and all obstructions for ten feet on either side of said lanes: *provided*, that the trees marked to designate the lines shall not be removed: *and provided*, *further*, that nothing in this act shall apply to any incorporated city or town.

SEC. —. That whenever ten freeholders shall make application under oath, which said oath shall be filed in the County Clerk's office, and taken before some person authorized to administer oaths, stating that it is necessary for the lines designated in said application to be declared public highways, in order to give them a nearer, better and more practicable road to their church, mill, wood or timber, or county site or place of trading, and give five days' notice in writing of such application to all parties along the line of such proposed highway, the Commissioners' Court may, in their discretion, should they deem the same of sufficient importance, issue an order declaring the lines between the parties designated, as above required, to be public highways, and when such order is made, shall issue a notice

to the individual owner of the land designated in said application, to be served by the Sheriff or any Constable of the county, in the same way as other notices are served, stating that said designated lines are declared public highways; and within one year from the date of the service of such notice, each owner or owners of such lands shall cause the same to be left open as above indicated: *provided*, that the Commissioners' Court shall not be required to keep said roads worked by the road hands, as is the case with other roads in the county.

"SEC. —. Each and every person notified, as provided above, who shall refuse or neglect to leave open the line or lines, as above indicated, shall be guilty of a misdemeanor, and on conviction thereof before any court of competent jurisdiction, be fined in any sum not more than twenty dollars, together with all costs for each and every month he, she or they fail, refuse or neglect to leave open the lines designated and provided for in this act.

"SEC. —. To the owner or owners of the land whose lines have been, or may be declared public highways, and also any person through whose land a third-class road may run, shall have the right to erect a gate or gates, to be ten feet wide, and hung so that any grown person on horseback can open it without alighting from his horse.

"SEC. —. The amount of damages to be allowed to the owners of said lands for opening of the lines, as provided for in Sections — of this act, shall be assessed as is provided for in first, second and third-class roads in Section 10 of this act, and paid for out of the County Treasury, as is provided for in Section 12 of this act.

"SEC. — The immediate working of the public roads of this State creates an emergency for the early passage of this act, that this act take effect and be in force from and after its passage."

Senator McLeary offered the following amendment to the first section of Senator Piner's amendment:

"*Provided, further*, that nothing in this section shall apply to any incorporated city or town."

Accepted by Senator Piner.

Senator Carroll offered the following amendment to Senator Piner's amendment:

"*Provided*, that where wagons and teams or loose stock are driven along such road running through a cultivated farm, the owners and drivers of such stock shall be responsible for any damage done the growing crops growing upon said farms, and the loose stock, wagons and teams so driven shall be liable to a lien thereon for such damages."

Adopted.

Senator Storey moved to amend Section 1 of Senator Piner's amendment as follows:

Amend Section 1, line 4, by inserting after the word, "land," the words, "not already inclosed."

Senator Blassingame moved the previous question on the engrossment of the bill and pending amendments.

Main question ordered.

Senator Storey's amendment lost.

Senator Piner's amendment lost by the following vote:

YEAS—Senators Carroll, Guy, Piner—3.

NAYS—Senators Ball, Blassingame, Brady, Brown, Burton, Edwards, Francis, Ford, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin,

McLeary, McCormick, McCulloch, Moore, Motley, Ripetoe, Smith, Storey, Terrell, Thompson—23.

NOT VOTING—Senators Grace, Stephens, Wortham—3.

Bill ordered engrossed.

On motion of Senator Storey, the rules were suspended to place the bill on its third reading, by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Burton, Carroll, Ford, Grace, Guy, Henry J. R., Hobby, Ledbetter, Martin, McCulloch, Moore, Motley, Piner, Ripetoe, Smith, Storey, Terrell, Thompson—21.

NAYS—Senators Edwards, Francis, Henry F. M., McLeary, McCormick—5.

NOT VOTING—Senators Brady, Stephens, Wortham—3.

Senator Edwards offered the following amendment:

Strike out all after, "services," in Section 11, line 33, and insert after the word, "dollars," in line 29, the words, "the same to be recovered by judgment, on motion of the County Attorney in the County Court of the county in which the defaulter may reside, said defaulter, in all cases, having three days' notice of said motion."

Adopted.

Senator Edwards offered the following amendment:

Add to Section 12:

"*Provided*, no licensed minister of the gospel, instructors of public or private schools, students of common schools or public institutions shall be liable to work on roads."

Adopted.

Senator Thompson moved the previous question on the passage of the bill.

Seconded, and the main question ordered.

Bill read third time and passed by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Burton, Grace, Guy, Henry J. R., Hobby, Ledbetter, Martin, McCulloch, Moore, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—20.

NAYS—Senators Brady, Edwards, Francis, Ford, Henry, F. M., McLeary, McCormick—7.

NOT VOTING—Senators Carroll, Wortham—2.

Senator Piner, Chairman of the Committee of Free Conference, touching the disagreement between the two Houses on amendment No. 5 to Senate Bill No. 2, made the following report:

COMMITTEE ROOM, June 13, 1876.

Hon. R. B. Hubbard, President of the Senate:

Your Committee of Free Conference, appointed on the part of the Senate to confer with a like committee on the part of the House, touching the disagreement between the two Houses in regard to House Amendment No. 5 to Senate Bill No. 2, entitled, "An Act to establish County Courts, and define their powers and jurisdiction," beg leave to report that they have met the House Committee in conference, and have agreed to adopt and report the following substitute for said amendment, and respectfully request that the Senate concur therein:

Amend Section 2 by adding the following, after the word, "month," in line 12: "*Provided*, the County Court of any county may change times of holding court as herein provided, by order, duly entered on the minutes of said court, at some regular term thereof; and said order shall

be published for two weeks prior to the time fixed for holding the term of the court as changed by said order, in some newspaper published in said county; and if there be no such paper published in said county, then a copy of said order shall be posted by the Sheriff of the county at each place where Justice's Courts are held in the county, and at the court-house door, for two weeks, as aforesaid; and it shall be the duty of the County Clerk to make out and forward to the Secretary of State a certified copy of the order making such change; and all process returnable to the terms as fixed by this law shall be as valid in case of a change of terms of holding court as if made returnable to such term, and all parties shall be held bound to appear at such new term in the same manner as they would have been held to appear at the term from which the change was made: *provided, further*, that no such change of the times of holding such courts shall be made oftener than once in every two years, unless, to obviate a conflict with the terms of the District Court, such change be rendered necessary by an act of the Legislature, changing the times of holding District Court having jurisdiction in such county or counties; nor shall such change be so made as to require or permit the holding of any fewer terms of the County Courts, for both civil and criminal business, than is now required by the Constitution of the State of Texas." All of which is respectfully submitted.

PINER, for Senate Committee.

On motion of Senator Ball, the report of the committee was adopted. Senator Thompson, by leave, offered the following resolutions:

Resolved, That all committees of the Senate be and are hereby instructed to report, within ten days from this date, on all bills and resolutions heretofore committed to them.

Resolved, That all committees hereafter be required to report on all bills referred to them within ten days after such commitment.

Lies over one day under the rules.

Senator Burton, by leave, introduced a joint resolution authorizing the Superintendent of Public Buildings and Grounds to purchase a flag for the Capitol.

Referred to Committee on Finance.

Senator Grace, by leave, introduced "An Act to transfer suits and unfinished business pending in Justices of the Peace Courts at the time of the adoption of the Constitution of 1875, for the State of Texas, to the Justices of the Peace Courts of the precincts in which said suits should be tried."

Referred to Judiciary Committee No. 1.

On motion of Senator Ford, the rule was suspended, and his resolution in regard to the petition of certain citizens of Fort Bend county, asking relief for W. M. Burton, from liability as surety on the bond of W. H. Green, was taken up.

Senator Storey moved a call of the Senate, which was seconded.

Roll called, and quorum present.

Senator Smith moved that the call be suspended.

Carried.

Senator Ford's resolution was then adopted.

Senator Smith in the chair.

Senator Storey moved to reconsider the vote of yesterday by which substitute for Senate Bill No. 119, "An Act to regulate proceedings in the County Courts pertaining to the estates of deceased persons," was passed.

Senator McLeary moved to lay Senator Storey's motion on the table. Senator Terrell moved a call of the Senate, which was seconded.

Pending the call of the roll, on motion of Senator Terrell, the call was suspended.

Senator McLeary's motion, to lay Senator Storey's motion to reconsider on the table, was adopted.

A message was received from the House, announcing that that body had adopted the report of the Committee of Free Conference on Senate Bill No. 2, "An Act to establish County Courts and define their powers and jurisdiction."

On motion of Senator Motley, the rule was suspended, and Senate Bill No. 216, "An Act to establish and provide for the support and maintenance of an efficient system of public free schools," was taken up, and made the special order for to-morrow week.

Senator Blassingame offered the following resolution :

Resolved, That the Committee on Printing be instructed to inquire into the cause of the delay in the printing of bills and other matter ordered printed by the Senate, and to report the cause of the delay to the Senate.

Adopted.

Senator Brady introduced the following resolution :

Resolved, That Judiciary Committee No. 1 is hereby requested to examine the Constitution, and report its opinion as to whether or not the Legislature has the power to authorize the County Commissioners' Court to provide for the election of Justices of the Peace, to provide Constables in new precincts, or where vacancies occur in precincts already existing, at any time prior to the next biennial election.

Adopted.

On motion of Senator Edwards, Senate Bill No. 105, "An Act to amend 'An Act to ascertain the amount due the teachers of the public free schools of this State for services rendered as teachers prior to the first day of July, eighteen hundred and seventy-three, and to provide for the payment of the same,'" approved April 27, 1874, was taken up and read second time.

Senator Terrell offered the following amendment:

"*Provided*, that nothing contained in this act shall be construed to interfere with the available school fund for the next scholastic year."

Lost.

Pending further action on the bill, on motion of Senator McCulloch, the Senate adjourned to 9 o'clock to-morrow morning.

FORTY-NINTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, June 14, 1876. }

Senate met pursuant to adjournment. Roll called. Quorum present. Prayer by the Chaplain.

Journal of yesterday adopted.

Senator Ford presented a petition from citizens of Nueces county, asking the repeal of the third section of 'An Act supplementary to an act to provide for the payment of the public debt of the State of Texas,' approved May 2, 1871.

Read and referred to Judiciary Committee No. 2.